

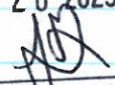
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG, PA

CASE NO. 1:25-CV-00690-PJC

JUN 26 2025

PER


DEPUTY CLERK

DECLARATION REGARDING FUNCTIONALITY OF AMY DALE'S
EMAIL ADDRESS

PURSUANT TO 28 U.S.C. § 1746, I, AUDURY PETIE DAVIS, declare under Penalty of Perjury that the following is TRUE and CORRECT:

1. I AM the Authorized Representative AND Co Plaintiff in THIS ACTION and Submit this declaration to INFORM THE COURT OF recent developments concerning electronic communications with a key executive at NEW AMERICAN FUNDING, AMY DALE, SENIOR VICE PRESIDENT OF CUSTOMER EXPERIENCE.
2. ON JUNE 22, 2025 at 1:44 PM (EASTERN TIME) I SENT a follow up CC: email to AMY DALE at her OFFICIAL Company Address, (amy.dale@nafinc.com) AS PART OF A CONTINUING EFFORT TO document communications with ALL RELEVANT PARTIES. UNLIKE THE PRIOR email "JUNE 16, 2025 SETTLEMENT DEMAND WHICH TRIGGERED AN AUTOMATED OUT-OF-OFFICE RESPONSE CONFIRMING HER ABSENCE FROM JUNE 16, 2025 thru JUNE 29, 2025 SEE (EXHIBIT U) WHICH IS CURRENTLY ON RECORD...

EXHIBIT U INDICATED THAT AMY DALE (NAF's) CORPORATE EXECUTIVE WILL BE OUT OF OFFICE DURING THE PERIOD OF LITIGATION, YET THIS JUNE 22, 2025 EMAIL DID NOT GENERATE ANY BOUNCE BACK OR AUTO-REPLY, INDICATING THAT HER INBOX WAS AGAIN ACCEPTING MESSAGES AND HER PRIOR OUT-OF-OFFICE STATUS HAD CONCLUDED OR BEEN OVERRIDEN. THIS FACT SUPPORTS PLAINTIFF'S ASSERTION THAT AMY DALE'S EMAIL BECAME ACTIVE AGAIN AS OF THAT DATE, AND THAT SHE WAS LIKELY MONITORING COMMUNICATIONS RELEVANT TO THIS LITIGATION.

3. THIS CHANGE INDICATES THAT AMY DALE'S EMAIL ACCOUNT IS CURRENTLY OPERATIONAL, SUGGESTING HER AVAILABILITY HAS RESUMED AND SHE IS NO LONGER ON PROTECTED LEAVE, CONCEALED, OR DIGITALLY RESTRICTED AS PREVIOUSLY PRESUMED.

4. THIS DECLARATION IS SUBMITTED IN ACCORDANCE WITH FED. R. EVID. 201(b)(2) JUDICIAL NOTICE OF FACTS CAPABLE OF ACCURATE AND READY DETERMINATION AND FED. R. EVID. 104(A), WHICH PERMITS THE COURT TO CONSIDER PRELIMINARY FACTUAL MATTERS RELEVANT TO SCHEDULING, DISCOVERY, AND COMPLIANCE OVERSIGHT.

5. AMY DALE'S CURRENT COMMUNICATION STATUS IS MATERIAL TO ONGOING ISSUES IN THIS CASE INCLUDING;

- DISCOVERY OBLIGATIONS UNDER RULE 26(b)(1)
- EVALUATION OF WITNESS AVAILABILITY

- Judicial Assessment of strategic delay, concealment or obstruction
- Related requests for scheduling oversight and sanctions under Rule 37(b) and the Court's inherent authority

b. I submit this Declaration in furtherance of my duty to update the Court in good faith, to ensure the accuracy of the record, and to reinforce the factual basis for pending motions, including the emergency motion to expedite discovery, the motion for sanctions, and the judicial notice of regulatory escalation previously filed.

Executed in accordance with 28 U.S.C. § 1746 on this 26th day of June, 2025

Respectfully submitted,

Audrey Petie Davis
2041 Greenwood St
Harrisburg PA 17104
Phone 717 424-8220
Email mfmallah87@icloud

VERIFICATION

I, Audury Petie DAVIS, declare under Penalty of Perjury under the laws of the United States THAT THE foregoing Declaration is true and correct to the best of my knowledge, information and belief.

Executed on: June 26th 2025

Audury Petie DAVIS

Audury Petie 

Certificate of Service

I hereby certify that on June 26, 2025 I served a true and correct copy of the foregoing Declaration Clarifying Scope of Amended Complaint on the following Counsel of Record

JAMES MCNALLY

JMcNally@cohenseglias.com

Audury P. 